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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/901,894	07/11/2001	Paul John Feluch	PAT 554-2	7868

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EXAMINER	
LE, JOHN H	

ART UNIT	PAPER NUMBER
2863	

DATE MAILED: 11/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/901,894	FELUCH, PAUL JOHN	
	Examiner	Art Unit	
	John H Le	2863	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 September 2003* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *11 July 2001* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

Respons to Amendment

1. This office action is in response to applicant's amendment received on 09/22/2003.

Claims 1-17 have been amended.

Claim 18 has been added.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kent (USP 6,163,761) in view of Ayler et al. (USP 4,458,945).

Regarding claim 1, Kent teaches data collection processor 38, which read on a data collection device operatively connected to electronic sensors 28, 30 for obtaining production data (e.g. Col.4, lines 57-64) and for reporting the production data to a computer 12 via a wired or wireless interface (Fig/1) (e.g. Col.4, lines 22-30). Kent teaches the central management module includes a control module for sending control instructions to the production controls through the data collection device (e.g. Col.3, lines 32-36).

Regarding claim 2, Kent teaches the computer 10 is a central computer in operative connection with a plurality of data collection devices each connected to respective production data (e.g. Col.4, lines 22-39).

Regarding claims 3 and 9, Kent teaches the data collection device includes a central processor operatively connected to an operator input system and a display system, the operator input system for receiving commands from an operator and the display system for displaying processed or unprocessed production data (e.g. Col.2, lines 15-28/Col.5, lines 16-25).

Regarding claims 4 and 10, Kent teaches the data collection device includes any one of or a combination of a digital or analog input/output device operatively connected to the central processor and wherein the digital and/or analog output devices are for operative connection to one or more production sensors or controls (e.g. Col.2, lines 15-28).

Regarding claims 5 and 11, Kent teaches the data collection device includes data storage memory 16 operatively connected to the central processor for storing production data prior to upload to the computer (e.g. Col.5, lines 10-13).

Regarding claims 6 and 12, Kent teaches the computer includes software having a central management module for managing the collection, analysis and reporting of production data from the data collection device (e.g. Col.2, lines 5-13/Col.4, lines 7-14).

Regarding claims 7 and 13, Kent teaches the central management module is operatively connected to a communication interface for sending and receiving data to and from the data collection device (Fig.1)(e.g. Col.4, lines 15-22).

Regarding claims 8 and 14, Kent teaches the central management module includes a control module for sending control instructions to the production controls through the data collection device (e.g. Col.3, lines 32-36).

Regarding claim 15, Kent teaches a data acquisition system for collecting data from at least one production data comprising data collection processor 38, which read on a data collection device operatively connected to production equipments for obtaining production data from a production equipment (e.g. Col.4, lines 57-64) and for providing control instructions to the production equipment (e.g. Col.3, lines 32-36), a central computer 10 operatively connected to the data collection device for receiving production data from the data collection device and for sending control instructions to the production equipment via a wired or wireless interface (Fig.1)(e.g. Col.4, lines 22-39), wherein the central computer includes a central management module for managing the collection, analysis and reporting of production data from the data collection device (e.g. Col.2, lines 5-13/Col.4, lines 7-14); a production data database 16; a wired or wireless interface 18 (Fig.1); a reporting module for formatting reports from the production data database (e.g. Col.4, lines 4, lines 60-64); and a graphical display module for displaying production data from the production data database (e.g. Col.2, lines 19-28).

Regarding claim 16, Kent teaches a method of collecting data from a production equipment comprising the steps of operatively connecting a data collection device to production equipment (e.g. Col.4, lines 57-64), uploading production data from the data collection device via a wired or wireless link to a central computer (e.g. Col.4, lines 15-21).

Regarding claim 17, Kent teaches the step of sending a control instruction to the production equipment from the central computer (e.g. Col.3, lines 32-36).

Kent fails to teach a data collection and control device operatively connected to individual oil/gas well production and pumping equipment for collecting production data from individual oil/gas well production and pumping equipment and for controlling the individual oil/gas well production and pumping equipment, wherein the data collection and control device includes processor for receiving the production and operating data of data collection oil/gas well production and pumping equipment and for providing instructions to the oil/gas well production and pumping equipment.

Ayler et al. teach a suitable main control computer for use in such supervisory control system is the Hewlett Packard 2250 Data Acquisition and Control System-Processor and Series Control Computer 9800 (Col.21, lines 44-51) comprising a data collection and control device operatively connected to individual oil/gas well production and pumping equipment for collecting production data from individual oil/gas well production and pumping equipment and for controlling the individual oil/gas well production and pumping equipment, wherein the data collection and control device includes processor for receiving the production and operating data of data collection oil/gas well production and pumping equipment (e.g. Col.21, line 29-Col.22, line 24). Ayler et al. teach the oil/gas well data collection transmits to a main control computer analysis and display on a suitable display console upon call-up or during periodic checks by the supervisor (e.g. Col.22, line 41-Col.23, line 25). Although Ayler et al. do not disclose an oil/gas well database, however it would have been obvious to one of ordinary skill to teach an oil/gas well database to store the oil/gas well data collection for purpose of providing a techniques and equipment to facilitate the safe drilling of such

wells, placing them into production and thereafter controlling operation of the mine workings in a safe and reliable manner together with the control system, sensors and other equipment required for safe installation and operation of an underground petroleum mine (Abstract) since the oil/gas well data collection transmits to a main control computer for analysis, control, and display on a suitable display console upon call-up or during periodic checks by the supervisor (e.g. Col.22, line 41-Col.23, line 25).

Regarding claim 18, Ayler et al. teach the processor automatically adjusts the oil/gas well production and pumping equipment in response to oil/gas well production and operating data from an individual oil/gas well (e.g. Col.19, lines 22-36).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a suitable main control computer for use in such supervisory control system is the Hewlett Packard 2250 Data Acquisition and Control System-Processor and Series Control Computer 9800 as taught by Ayler et al. in a system for monitoring and controlling production of Kent for the purpose of providing new and improved techniques and equipment for the practical underground mining of petroleum from both virgin and depleted oil fields under certain geological conditions where such mining of oil is feasible (Ayler et al., Col.6, lines 29-33).

Response to Arguments

4. Applicant's arguments filed 09/22/2003 have been fully considered but they are not persuasive.

-Applicant argues that the prior did not teach "collection of data or the control of equipment related to the oil and gas industry and an oil/gas well production database".

The combination of Kent and Ayler et al. teach "collection of data or the control of equipment related to the oil and gas industry and an oil/gas well production database" as discussed above.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Specifically Ayler et al. has been added to second ground of rejection.

Contact Information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John H. Le whose telephone number is (703) 605-4361. The examiner can normally be reached on 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Barlow can be reached on (703) 308-3126. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

John H. Le

Patent Examiner-Group 2863

October 9, 2003

John Barlow
Supervisory Patent Examiner
Technology Center 2600